



State of Vermont
Vermont Department of Education
120 State Street
Montpelier, VT 05620-2501

MEMORANDUM

To: Principals, Superintendents, Headmasters
From: Barbara Crippen, Legal Counsel
Re: Countywide Truancy Policies
Date: March 23, 2010

In the 2009 Miscellaneous Amendments to Education Law (Act 44, Section 46) the Vermont Legislature required the Commissioner to create a study group to examine and develop comprehensive truancy protocols, publish model truancy protocols on the department's Web site and make recommendations to the House and Senate Education Committees on whether any legislation is currently needed to address truancy. **In addition, the Commissioner is required to ensure that on or before July 1, 2010 the supervisory unions in each county adopt truancy policies that are consistent with the legislative intent of confronting truancy on a statewide and countywide basis and include the involvement of both the State's attorneys and judiciary.**

The Commissioner's report to the House and Senate Education Committees, *2009 Report on Act 44, Section 46 (Truancy)* is posted on the department's Web site at http://education.vermont.gov/new/html/laws/legislative_reports.html#truancy. This report acknowledges the valuable work that has already been done in some parts of the state by local school officials, staff from the local offices of the Department for Children and Families (DCF), states attorneys and the judiciary in developing protocols to address truancy. The common element of these protocols is the formation of a family intervention team, comprised of local service providers, DCF and school officials. This team attempts to work with the family to address problems preventing school attendance prior to the initiation of court action. The protocols vary with respect to the number and type of absences that will trigger an intervention team meeting or, if necessary, follow-up by the states attorney and judicial intervention. The differences reflect the differences in student populations, available resources, states attorney caseloads and judicial caseloads.

Ultimately, the Commissioner did not recommend legislation to mandate a statewide truancy protocol at that time. Instead, he informed the Legislature that, pursuant to Act 44 and 16 V.S.A. § 212(a)(5), he would direct all supervisory unions to develop countywide truancy protocols, utilizing the family intervention team model, while taking into account regional differences. These protocols should be developed with DCF, the State's Attorney, an acting judge and other appropriate agencies. The Commissioner would also like independent schools accepting publicly tuitioned students to be invited to participate in this process.

The Commissioner has set the following guidelines for these attendance policies and protocols:

1. Protocols will be in effect from the outset of compulsory attendance, as opposed to focusing on middle school and high school;
2. If the protocol uses only unexcused absences as a basis for intervention, a referral to the judiciary should be made after no more than ten unexcused absences;
3. If a protocol uses both excused and unexcused absences as a basis for intervention, the school must establish a timely informal appeals process for challenging the validity of counting an excused absence;
4. If a protocol uses both excused and unexcused absences as a basis for intervention, a referral to the judiciary will be made after no more than 18-20 absences in a school year; and,
5. In supervisory unions overlapping counties, all schools shall follow the protocol developed in the county where the SU office is located.

Supervisory unions that have not engaged in this process are encouraged to refer to the models discussed in the report to the Legislature and to review the protocols in the Appendix of this report. This should assist you in formulating your protocol. **The judiciary has specifically requested early contact with the Family Court Manager in your county to arrange for the participation of a judge in the development of your protocol.** It is also important to make early contact with your local state attorney office.

If you require technical assistance or additional information, please contact Barbara Crippen, Legal Counsel, at (802) 828-5937.